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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/362,715 | 07/29/1999 | KAZUHIKO YUKAWA | 024060-110 | 7213 |

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EXAMINER

VILLECCO, JOHN M

| ART UNIT | PAPER NUMBER |
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2612

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/362,715

Applicant(s)

YUKAWA ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,7,9,13-16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,7,9 and 13-15 is/are allowed.
- 6) ☒ Claim(s) 16,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Regarding claims 5 and 14, the applicant has amended the claims to include the limitation of the driving of the display being performed after the driving of the lens to the in-focus position. This amendment appears to overcome the prior art of record.
2. As for claim 16, applicant has amended the claim to include the limitation of the determination step is performed based upon a stored state value. This newly added limitation necessitated the new grounds of rejection presented on the following pages.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyofuku (U.S. Patent No. 6,166,765) in view of Togano (Japanese Publ. No. 09-098314).**

5. Regarding *claim 16*, Toyofuku discloses a camera that operates to easily determine whether a camera is in a photographing mode or a reproducing mode. The camera includes a taking lens unit (101) including lenses (31 and 32), a CCD (7) for capturing an image, and an LCD monitor (57) for displaying a subject image. Furthermore, the camera operates to detect

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when the LCD switch (58) is pressed. If it is pressed the lens moves to a pan focus position.

The pan focus position corresponds to the pan focus condition pointed out by the applicant.

After moving the lens to the pan focus position an image is captured and then displayed. See Figure 24 and column 15, line 45 to column 16, line 25. The controller (66) inherently controls the operation of the lens since it controls the operation of the entire camera (col. 3, line 30).

More specifically, as shown in Figure 24, in step S18, it is determined whether display by the display monitor (57) is requested. If display is requested then the lens is driven to the pan focus position (S19), and then the display monitor displays the image (S22). Furthermore, as disclosed in column 15, lines 24 and 25, operation of the camera begins when a battery is loaded.

Therefore, the camera can only determine whether the LCD switch is activated or not when power supply to the camera is started. In other words, power supply to the camera has to be started in order for the controller (66) to determine whether or not a display request has been received.

Although Toyofuku does disclose that an LCD switch is used to determine if display is required, Toyofuku fails to explicitly disclose that the step of determining whether or not a display of an image is requested at camera startup is based on a stored state value. In other words Toyofuku does disclose the ability to request an image display, but fails to disclose that this information is stored and/or recalled at power up. Togano, on the other hand, discloses a camera with a switch arrangement for allowing a user to select whether or not to use the display device. More specifically, Togano discloses a camera with an optical finder (1), a display (3), a display switch (4), and an ON/OFF switch (6). The user has the ability to select whether or not to use the display (3) by switching the display switch (4) to an ON state. Inherently, when the

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camera power is turned off using the ON/OFF switch (6) and the display switch is in either the ON or OFF state, then the camera is turned back on the display will operate according to position of the switch. Therefore, the display switch (4) serves as the stored state value – the value being on or off. As implied by Toyofuku, the user would have to press the LCD switch every time they want to display an image after startup. With the arrangement of Togano, the user is able to set a position of the display switch (4) and when the camera is powered up again, the display is either operated or not depending upon the position of the display switch (4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine whether display of a captured image is requested or not when power supply to the camera is started based upon a stored state value, as in Togano so that the user does not have to press the LCD switch every time they want to display an image after startup, thus enhancing the operability of the camera.

6. As for *claim 18*, Togano discloses that the user is able to set whether the display switch (4) is in the ON or OFF state.

7. With regard to *claim 19*, inherently if the power switch (6) is turned on when the display switch (4) is in the ON position the display of the image on the display (3) would automatically take place.

Allowable Subject Matter

8. Claims 5, 7, 9 and 13-15 are allowed.

9. The following is an examiner's statement of reasons for allowance:

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Regarding claim 5, the primary reason for allowance is that the prior art fails to teach or reasonably suggest driving the taking lens to a focus position before display by the display device is started, wherein the driving of the taking lens is performed when power supply to the camera is started and the controller automatically starts driving of the display device after performing the driving of the taking lens.

As for claim 14, the primary reason for allowance is that the prior art fails to teach or reasonably suggest a controller for controlling image taking so that in-focus condition is obtained before automatically starting driving of the display device wherein said controlling is performed when power supply to a camera including the camera body is started.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

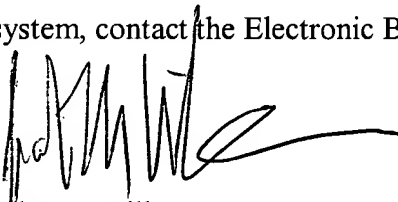
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7318. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
April 29, 2005



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600